

Joint Standing Committee on Natural Resources

LD 1478

An Act to Amend Maine's Growth Management Law and Related Laws

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE DOUGLASS	ONTP	

LD 1478, which was carried over from the First Regular Session, proposed to amend the growth management law and laws relating to growth management.

LD 1488

An Act to Require Major Water Users to Provide Public Information About Their Annual Water Withdrawals from Public Water Resources

PUBLIC 619

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER TREAT	OTP-AM	H-936

LD 1488, which was carried over from the First Regular Session, proposed to establish a system for obtaining information concerning the withdrawal of water from water sources in the State and providing this information to the public. It requires each person who makes a withdrawal of water from a water source in excess of either 20,000 gallons a month or 10,000 gallons in any one day to file a water withdrawal report with the Department of Environmental Protection.

Committee Amendment "A" (H-936) proposed to replace the bill. It also proposed to require annual water use reporting, beginning on December 1, 2003, by water users who use more than a specified threshold amount of water. A number of users are exempted from the reporting requirements, including dams and other nonconsumptive users, household users, public water systems, users who report water use under another state permit or licensing requirement, commercial or industrial storage ponds, off-stream and in-stream storage ponds and any water withdrawals made for fire suppression or other public emergency purposes. Users will report to either the Department of Agriculture, Food and Rural Resources, the Department of Conservation, the Department of Human Services or the Department of Environmental Protection, depending on the user's type of activity. The Commissioners of those departments are required to publish a list by January 1, 2003 indicating which users are required to report to which agency. Each commissioner may prescribe the form and manner of reporting, and reporting water use in ranges, rather than in specific gallons, is allowed. The amendment specifies that individual water use reports are confidential documents and are not public records under the State's freedom of access laws.

The Department of Environmental Protection is charged with reporting annually on the water use reporting requirement to the joint standing committee of the Legislature having jurisdiction over natural resources matters. That department's report must summarize usage on a regional basis and in a manner that does not disclose the identity of any individual user. In preparing its annual reports, the department is required to encourage and assist in establishing regional task forces with cooperating agencies to assess regional water use issues and options for addressing those issues and to solicit input on all aspects of the water use reporting programs from the Commissioner of Agriculture, Food and Rural Resources, the Commissioner of Conservation and the

Joint Standing Committee on Natural Resources

Commissioner of Human Services. The report must also include all comments and recommendations received from those departments on those requirements.

The amendment also proposed to require the Department of Environmental Protection to encourage and cooperate with state, regional or municipal agencies, boards or organizations in the development and adoption of regional or local water use policies that protect the environment from excessive drawdown of water sources during low-flow periods. The department shall encourage those entities, in developing those policies, to review previously adopted low-flow policies, such as those adopted by the Aroostook Water and Soil Management Board.

The amendment also proposed to direct the Board of Environmental Protection to adopt major substantive rules that establish water use standards for maintaining in-stream flows and GPA water levels that are protective of aquatic life and other uses and that establish criteria for designating watersheds most at risk from cumulative water use. Water use standards must be based on the natural variation of flows and water levels and must allow for variances if use will still be protective of water quality within that classification. Those rules must be provisionally adopted by January 1, 2005 and submitted to the joint standing committee of the Legislature having jurisdiction over natural resources matters in the First Regular Session of the 122nd Legislature.

Enacted law summary

Public Law 2001, chapter 619, requires annual water use reporting, beginning on December 1, 2003, by water users who use more than a specified threshold amount of water. A number of users are exempted from the reporting requirements, including dams and other nonconsumptive users, household users, public water systems, users who report water use under another state permit or licensing requirement, commercial or industrial storage ponds, off-stream and in-stream storage ponds and any water withdrawals made for fire suppression or other public emergency purposes. Users will report to the Department of Agriculture, Food and Rural Resources, the Department of Conservation, the Department of Human Services or the Department of Environmental Protection, depending on the user's type of activity. The Commissioners of those departments are required to publish a list by January 1, 2003 indicating which users are required to report to which agency. Each commissioner may prescribe the form and manner of reporting, and reporting water use in ranges, rather than in specific gallons, is allowed. The law specifies that individual water use reports are confidential documents and are not public records under the State's freedom of access laws.

The Department of Environmental Protection is charged with reporting annually on the water use reporting requirement to the joint standing committee of the Legislature having jurisdiction over natural resources matters. That department's report must summarize usage on a regional basis and in a manner that does not disclose the identity of any individual user. In preparing its annual reports, the department is required to encourage and assist in establishing regional task forces with cooperating agencies to assess regional water use issues and options for addressing those issues and to solicit input on all aspects of the water use reporting programs from the Commissioner of Agriculture, Food and Rural Resources, the Commissioner of Conservation and the Commissioner of Human Services. The report must also include all comments and recommendations received from those departments on those requirements.

The law also requires the Department of Environmental Protection to encourage and cooperate with state, regional or municipal agencies, boards or organizations in the development and adoption of regional or local water use policies that protect the environment from excessive drawdown of water sources during low-flow periods. The department shall encourage those entities, in developing those policies, to review previously adopted low-flow policies, such as those adopted by the Aroostook Water and Soil Management Board.

Joint Standing Committee on Natural Resources

The law also directs the Board of Environmental Protection to adopt major substantive rules that establish water use standards for maintaining in-stream flows and GPA water levels that are protective of aquatic life and other uses and that establish criteria for designating watersheds most at risk from cumulative water use. Water use standards must be based on the natural variation of flows and water levels and must allow for variances if use will still be protective of water quality within that classification. Those rules must be provisionally adopted by January 1, 2005 and submitted to the joint standing committee of the Legislature having jurisdiction over natural resources matters in the First Regular Session of the 122nd Legislature.

LD 1643 **An Act to Provide Criteria for the Municipal Use of Rate of Growth Ordinances** ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAIGLE MARTIN	ONTP	

LD 1643, which was carried over from the First Regular Session, proposed to outline the parameters within which a municipality could adopt a growth rate ordinance. Temporary growth rate ordinances could be enacted only to slow development while a community worked toward solving the problems necessitating the growth rate ordinance. A permanent growth rate ordinance could be enacted only as part of an integrated growth management strategy and also could be used in designated rural areas as a mechanism to guide growth within a community. The bill also proposed to clarify that a municipality with a comprehensive plan could implement a growth rate ordinance in its rural area only.

LD 1849 **An Act Regarding the Deferment of Loan Repayments for Remediation of Waste Oil Sites** PUBLIC 561

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-458

LD 1849 proposed to defer repayments of loans issued under the Plymouth waste oil loan program until the United States Environmental Protection Agency is reimbursed for its costs and all 3rd parties are reimbursed for their costs of performing the final remedy at the waste oil site.

Committee Amendment "A" (S-458) proposed to defer repayments of loans issued under the Plymouth waste oil loan program until the United States Environmental Protection Agency determines that construction of the final remedy is complete.

Enacted law summary

Public Law 2001, chapter 561 defers repayments of loans issued under the Plymouth waste oil loan program until the United States Environmental Protection Agency determines that construction of the final remedy is complete.

Joint Standing Committee on Natural Resources

LD 1887

An Act to Permit Underground Storage Tanks in Low-risk Areas

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMALL	ONTP	

LD 1887 proposed to permit underground oil storage facilities within 75 feet of a private well when public water was available to replace the well and the facility installed monitoring devices around the facility, or when the facility owner agreed to pay for replacement or remediation of the well in the event of contamination by a release from the facility.

LD 1897

An Act to Facilitate the Closure of Privately Owned Solid Waste Landfills

**PUBLIC 575
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAWYER	OTP-AM MAJ	S-465
DAIGLE	ONTP MIN	

LD 1897 proposed to allow an owner or operator of a licensed solid waste disposal facility to use the financial assurance mechanisms allowed under federal law for closure and post-closure care and for corrective action for known releases.

Committee Amendment "A" (S-465) proposed to provide the Department of Environmental Protection with discretion to use more than one financial assurance mechanism to provide for the closure and postclosure care of privately owned landfills. It also allowed the department to substitute certain financial requirements for any of the financial assurance mechanisms allowed under the law.

The amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 575 provides the Department of Environmental Protection with discretion to use more than one financial assurance mechanism to provide for the closure and postclosure care of privately owned landfills. It also allows the department to substitute certain financial requirements for any of the financial assurance mechanisms allowed under the law.

Public Law 2001, chapter 575 was enacted as an emergency measure effective March 28, 2002.

Joint Standing Committee on Natural Resources

LD 1898

An Act to Mitigate the Effect of Large Mandatory Environmental Penalties

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY DAIGLE	ONTP	

LD 1898, a concept draft pursuant to Joint Rule 208, proposed to mitigate the effect of large mandatory environmental penalties by retroactively limiting the penalties that could be imposed, establishing a new process for the determination of penalties and imposing mandatory penalties only when there was an immediate threat to the public health, safety and welfare.

LD 1921

An Act to Prevent Mercury Emissions when Recycling and Disposing of Motor Vehicles

PUBLIC 656

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN COWGER	OTP-AM MAJ OTP-AM MIN	S-476 S-535 MARTIN

LD 1921 proposed to provide for the safe removal and recycling of certain mercury-added products that are components in motor vehicles. Under the bill, automobile manufacturers bear primary responsibility for establishing and maintaining a statewide system to collect and consolidate the components for recycling. Used motor vehicle dealers and persons engaged in recycling motor vehicles share responsibility for removing the components and storing them for recycling. The Department of Environmental Protection was proposed to be responsible for providing technical assistance and conducting public education activities to maximize the effectiveness of the collection system.

Committee Amendment "A" (S-476) is the majority report of the committee. It proposed to require automobile manufacturers to establish a statewide system to collect, consolidate and recycle the mercury switches removed from motor vehicles with the goal of collecting and recycling at least 90 pounds of mercury per year from mercury switches removed from motor vehicles. Under this amendment, persons who handle motor vehicles at the end of the vehicle's use are responsible for removing mercury switches and headlamps before the vehicles are crushed for recycling. The program allows for the voluntary removal of switches from a vehicle still in use by persons trained by the Department of Environmental Protection. Persons who bring mercury switches to a consolidation facility are entitled to receive \$1 for each switch, funded by the automobile manufacturers. The Department of Environmental Protection is responsible for providing training on universal waste rules as necessary to ensure the safe removal and proper handling of mercury switches, to design and distribute stickers required to be affixed to a motor vehicle if the switches are removed from a vehicle still in use and to provide public education materials.

The amendment proposed to allow the Board of Environmental Protection to revise universal waste rules as necessary to establish standards for handling mercury switches as universal waste and requires the Department of Environmental Protection to report to the Legislature's Mercury Products Advisory Committee on the program, beginning on January 1, 2005.

Joint Standing Committee on Natural Resources

Committee Amendment "B" (S-477) is the minority report of the committee. It proposed to replace the bill, change the title of the bill and make the bill a resolve. The amendment proposed to require the Department of Environmental Protection to submit a plan by January 15, 2003 to the joint standing committee of the Legislature having jurisdiction over natural resources matters for a program that would establish a system for the collection, transportation and recycling of at least 90 pounds per year of mercury from mercury switches removed from automobiles. The plan must include a detailed program description and a program budget. The committee is authorized to report out legislation during the First Regular Session of the 121st Legislature to implement a plan for the collection, transportation and recycling of mercury switches in automobiles.

House Amendment "A" to Committee Amendment "A" (H-1073) proposed to remove the requirement that a manufacturer of a motor vehicle pay a minimum of \$1 for each mercury switch brought to a consolidation facility and direct the Commissioner of Environmental Protection to develop a statewide program for the collection, transportation and recycling of mercury switches in automobiles. It also proposed to direct the Department of Environmental Protection to adopt rules by November 30, 2002 to implement this program and authorize the creation of consolidation centers for collection of switches and establish a funding source for the program, which is a fee of \$1 to be collected at the time of purchase of a new or used motor vehicle.

Senate Amendment "C" to Committee Amendment "A" (S-535) proposed to prohibit automobile manufacturers from establishing consolidation facilities for the collection of mercury switches at new or used car dealerships and require automobile manufacturers doing business in the State to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on any fee collected on new car sales that is used to pay for the manufacturer's responsibilities under the mercury switch collection program.

This amendment also proposed to prohibit manufacturers of motor vehicles from requiring a person who removes mercury switches from segregating the switches by manufacturer.

Enacted law summary

Public Law 2001, chapter 656 requires automobile manufacturers to establish a statewide system to collect, consolidate and recycle the mercury switches removed from motor vehicles with the goal of collecting and recycling at least 90 pounds of mercury per year from mercury switches removed from motor vehicles. Under this law, persons who handle motor vehicles at the end of the vehicle's use are responsible for removing mercury switches and headlamps before the vehicles are crushed for recycling. The program allows for the voluntary removal of switches from a vehicle still in use by persons trained by the Department of Environmental Protection. Persons who bring mercury switches to a consolidation facility are entitled to receive \$1 for each switch, funded by the automobile manufacturers. The Department of Environmental Protection is responsible for providing training on universal waste rules as necessary to ensure the safe removal and proper handling of mercury switches, to design and distribute stickers required to be affixed to a motor vehicle if the switches are removed from a vehicle still in use and to provide public education materials. The law prohibits automobile manufacturers from establishing consolidation facilities for the collection of mercury switches at new or used car dealerships and requires automobile manufacturers doing business in the State to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on any fee collected on new car sales that is used to pay for the manufacturer's responsibilities under the mercury switch collection program. The law also prohibits manufacturers of motor vehicles from requiring a person who removes mercury switches from segregating the switches by manufacturer.

The law also allows the Board of Environmental Protection to revise universal waste rules as necessary to establish standards for handling mercury switches as universal waste and requires the Department of Environmental

Joint Standing Committee on Natural Resources

Protection to report to the Legislature's Mercury Products Advisory Committee on the program, beginning on January 1, 2005.

LD 1936

An Act to Regulate Lead Smart Renovators and Lead Sampling Technicians

PUBLIC 576

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE	OTP-AM MAJ ONTP MIN	H-901

LD 1936 proposed to increase the training requirements for lead smart renovators and lead sampling technicians from 6 hours and 8 hours respectively to 14 hours and to require that lead smart renovators be registered and licensed by the Department of Environmental Protection.

Committee Amendment "A" (H-901) is the majority report of the Joint Standing Committee on Natural Resources.

Current law requires persons who are engaged in any renovation, remodeling, maintenance or repair project involving lead-based paint but who are not licensed to engage in lead-based paint activities to take reasonable precautions to prevent the release of lead to the environment. This amendment proposed to specify that those reasonable precautions include the cleanup, removal and appropriate disposal of all visible lead-based paint debris generated by the project.

The amendment also proposed to add language stating that activities that may result in the release of lead to the environment include, but are not limited to, removal of lead-based paint by using open-flame burning or torching, machine sanding or grinding without high-efficiency particulate exhaust control, uncontained hydro blasting or high-pressure washing, abrasive blasting or sandblasting without containment and high-efficiency particulate exhaust control and using heat guns operated above 1,100 degrees Fahrenheit.

Enacted law summary

Public Law 2001, chapter 576, requires persons who are engaged in any renovation, remodeling, maintenance or repair project involving lead-based paint but who are not licensed to engage in lead-based paint activities to take reasonable precautions to prevent the release of lead to the environment. This law specifies that those reasonable precautions include the cleanup, removal and appropriate disposal of all visible lead-based paint debris generated by the project.

The law also states that activities that may result in the release of lead to the environment include, but are not limited to, removal of lead-based paint by using open-flame burning or torching, machine sanding or grinding without high-efficiency particulate exhaust control, uncontained hydro blasting or high-pressure washing, abrasive blasting or sandblasting without containment and high-efficiency particulate exhaust control and using heat guns operated above 1,100 degrees Fahrenheit.

Joint Standing Committee on Natural Resources

LD 1944

An Act to Restrict the Availability of Products with Excessive Levels of Arsenic

**PUBLIC 670
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM MAJ	H-937
MARTIN	OTP-AM MIN	

LD 1944 proposed to ban the sale of fertilizer with a total arsenic level of more than 500 parts per million and require the Department of Environmental Protection and the Department of Human Services, Bureau of Health to study and make recommendations concerning environmentally acceptable arsenic levels in other products.

Committee Amendment "A" (H-937) is the majority report of the Joint Standing Committee on Natural Resources. It proposed to replace the bill and allow the Department of Agriculture, Food and Rural Resources to require additional information when registering fertilizers and also proposed to expand what is considered an adulterated commercial fertilizer to include fertilizers containing deleterious or harmful substances in sufficient amount to render them injurious to beneficial plant life, animals, humans, aquatic life, soil or water.

The amendment also proposed to require the Commissioner of Agriculture, Food and Rural Resources to adopt routine technical rules within 90 days after the effective date of this bill that list the information that may be required by the department when registering fertilizer and that list the type and amounts of substances that are considered deleterious in adulterated commercial fertilizers. The amendment also proposed to require the department to submit those rules to the joint standing committee of the Legislature having jurisdiction over agricultural matters in January of 2003 and proposed to allow that committee to report out legislation on matters pertaining to the information that may be requested by the department when registering fertilizers or pertaining to adulterated commercial fertilizers.

This amendment also proposed to add a new section stating that the changes to the agricultural laws pertaining to registering fertilizers and to the definition of adulterated fertilizers may not be construed to limit the authority of the Department of Environmental Protection to regulate the agronomic utilization of residuals under its laws or its rules.

Committee Amendment "B" (H-938) is the minority report of the Joint Standing Committee on Natural Resources. It is the same as the majority report except that it proposed to include the provisions in the original bill that deemed fertilizers having more than 500 parts per million of arsenic as adulterated fertilizers.

Enacted law summary

Public Law 2001, chapter 670 allows the Department of Agriculture, Food and Rural Resources to require additional information when registering fertilizers and expands what is considered an adulterated commercial fertilizer to include fertilizers containing deleterious or harmful substances in sufficient amount to render them injurious to beneficial plant life, animals, humans, aquatic life, soil or water. This law also requires the Commissioner of Agriculture, Food and Rural Resources to adopt routine technical rules within 90 days after the effective date of this bill that list the information that may be required by the department when registering fertilizer and that list the type and amounts of substances that are considered deleterious in adulterated commercial fertilizers. The department must submit those rules in January of 2003 to the joint standing committee of the Legislature having jurisdiction over agricultural matters. That committee is authorized to report out legislation on

Joint Standing Committee on Natural Resources

matters pertaining to the information that may be requested by the department when registering fertilizers or pertaining to adulterated commercial fertilizers.

This law also states that changes to the agricultural laws pertaining to registering fertilizers and to the definition of adulterated fertilizers may not be construed to limit the authority of the Department of Environmental Protection to regulate the agronomic utilization of residuals under its laws or its rules.

Public Law 2001, chapter 670 was enacted as an emergency measure effective April 11, 2002.

LD 1962

Resolve, to Reduce Pollution of Androscoggin Lake by Repairing and Altering the Existing State-owned Barrier on Dead River in Leeds

RESOLVE 123

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE	OTP-AM	H-902
NUTTING J		S-580 GOLDTHWAIT

LD 1962, a concept draft pursuant to Joint Rule 208, proposed to reduce pollution to Androscoggin Lake originating from the Androscoggin River and thereby protect the lake's natural environment by directing the Department of Environmental Protection to take over ownership of, and immediate responsibility for the maintenance of, the pollution barrier located on the Dead River in Leeds, Maine known as the "Dead River Dam."

The bill also proposed to recommit up to \$20,000 in funds to the Land and Water Resources Council's Lakes Heritage Trust Fund, with the direction that these funds be made available to the Department of Environmental Protection to make needed repairs to the barrier and restore the barrier to its original design, working in cooperation with local stakeholders.

Committee Amendment "A" (H-902) proposed to change the bill to a resolve and change its title. The amendment proposed to provide the Department of Agriculture, Food and Rural Resources with \$40,000 to address emergency temporary repair issues at the state-owned dam on Dead River in the Town of Leeds, Androscoggin County. The amendment also proposed to provide the Department of Environmental Protection with \$20,000 to study the feasibility of and costs for options for permanent flood control structures on Dead River that eliminate or minimize the adverse environmental impacts to Androscoggin Lake resulting from polluted waters flowing into the lake from the Androscoggin River. The amendment also proposed to allow the Department of Environmental Protection to raise an additional \$15,000 for that study from local governments and private entities having an interest in Androscoggin Lake. The results of that study are to be reported by January 1, 2003 to the joint standing committee of the Legislature having jurisdiction over agricultural matters. The amendment also proposed to allow the committee to report out emergency legislation to the First Regular Session of the 121st Legislature.

The amendment also proposed to prohibit the Department of Agriculture, Food and Rural Resources from removing or seeking to remove the state-owned dam on Dead River in Leeds, Androscoggin County until the results of the Department of Environmental Protection study are known.

Senate Amendment "A" to Committee Amendment "A" (S-580) proposed to allocate funds from the Dam Repair and Reconstruction Fund for various projects pertaining to the Dead River in the Town of Leeds.

Joint Standing Committee on Natural Resources

Enacted law summary

Resolve 2001, chapter 123 provides the Department of Agriculture, Food and Rural Resources with \$40,000 to address emergency temporary repair issues at the state-owned dam on Dead River in the Town of Leeds, Androscoggin County. The law also provides the Department of Environmental Protection with \$20,000 to study the feasibility of and costs for options for permanent flood control structures on Dead River that eliminate or minimize the adverse environmental impacts to Androscoggin Lake resulting from polluted waters flowing into the lake from the Androscoggin River. The law also allows the Department of Environmental Protection to raise an additional \$15,000 for that study from local governments and private entities having an interest in Androscoggin Lake. The results of that study are to be reported by January 1, 2003 to the joint standing committee of the Legislature having jurisdiction over agricultural matters. The committee may report out emergency legislation to the First Regular Session of the 121st Legislature. The law also allocates funds from the Dam Repair and Reconstruction Fund for various projects pertaining to the Dead River in the Town of Leeds.

The law also prohibits the Department of Agriculture, Food and Rural Resources from removing or seeking to remove the state-owned dam on Dead River in Leeds, Androscoggin County until the results of the Department of Environmental Protection study are known.

LD 1964

**An Act to Amend Certain Laws Administered by the Department of
Environmental Protection**

**PUBLIC 626
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN COWGER	OTP-AM	H-995 COWGER S-475

LD 1964 proposed to do the following.

1. Revise the membership of the Board of Underground Storage Tank Installers to provide flexibility in filling the seat currently allotted to the Maine Chamber of Commerce and Industry.
2. Extend the dioxin monitoring program from December 31, 2002 to December 31, 2007.
3. Require the Department of Environmental Protection to publish a list of municipalities determined to have capacity, as provided in the site law's capacity exemption, by January 1st of each year and removes a requirement that on and after January 1, 2003, the Department of Environmental Protection presume that each municipality with a population of 5,000 or more has capacity as provided in the site law's capacity exemption.
4. Require an underground oil storage facility to be registered with the Department of Environmental Protection at least 10 business days before the facility is installed.
5. Require owners of underground oil storage tanks, upon registration of the tanks with the Department of Environmental Protection, to provide information on tank location as necessary to determine if the tank meets siting restrictions enacted during the First Regular Session of the 120th Legislature.
6. Require owners of the underground oil storage tanks to provide a copy of the registration form to the municipality.

Joint Standing Committee on Natural Resources

7. Eliminate redundant wording in the law governing certification of fire-fighting personnel to remove underground oil storage tanks.
8. Clarify municipal responsibility for post-closure maintenance of closed landfills.
9. Allow the Commissioner of Environmental Protection to waive the fees on transport of hazardous waste when the fee is too small in relation to the cost of collecting it.
10. Exempt manufacturers of products that contain one or more mercury-added components from the need to notify the Department of Environmental Protection as to the amount of mercury in the components if that information is provided by the component manufacturer.

Committee Amendment "A" (S-475) proposed to correct an error from the First Regular Session of the 120th Legislature in which the authorization for agents of the Department of Inland Fisheries and Wildlife to keep \$1 for each lake and river protection sticker sold was inadvertently omitted from the enacted law. Since those lake and river protection stickers were available for purchase as of January 1, 2002, this amendment also makes that authorization to keep \$1 per sticker retroactive to that date. The amendment also exempts motorboats owned by federal, state or local governments from the fee for the lake and river protection stickers.

The amendment also proposed to clarify that the open burning of wood wastes and painted and unpainted wood from construction and demolition debris is not prohibited and that a burn permit is required for burning wood waste in incinerators smaller than 1,000 gallons.

This amendment also proposed to provide the option of appointing either an underground oil storage tank inspector, a 2nd underground oil storage tank installer or a member of the Maine Chamber and Business Alliance to one slot on the Board of Underground Tank Installers.

The amendment proposed to add a provision prohibiting adding water to a well except by licensed well drillers and licensed bulk water transporters and for aquifer recharges conducted in accordance with existing rules of the Department of Environmental Protection. Exceptions to this prohibition are provided for monitoring wells, wells constructed exclusively for the relief of artesian pressure at hydroelectric projects, wells constructed for temporary dewatering purposes and wells constructed for the purposes of extracting oil, gas or brine.

The amendment proposed to clarify that an air emission license is not required for incinerators smaller than 1,000 gallons that burn only wood waste.

This amendment also proposed to provide for a reduced period of time for notices of asbestos removal that are delivered to the Department of Environmental Protection in person and allows the department to further reduce the notification period if necessary to protect human health or the environment.

This amendment also proposed to clarify that the prohibition on backyard burning does not apply to packages that previously contained explosives that are being disposed of under the supervision of the State Fire Marshal.

House Amendment "A" to Committee Amendment "A" (H-995) proposed to add an emergency preamble and clause to the amendment to allow it to take effect immediately.

Joint Standing Committee on Natural Resources

Enacted law summary

Public Law 2001, chapter 626 does the following.

1. It provides the option of appointing either an underground oil storage tank inspector, a 2nd underground oil storage tank installer or a member of the Maine Chamber and Business Alliance to one slot on the Board of Underground Tank Installers.
2. It extends the dioxin monitoring program from December 31, 2002 to December 31, 2007.
3. It requires the Department of Environmental Protection to publish a list of municipalities determined to have capacity, as provided in the site law's capacity exemption, by January 1st of each year and removes a requirement that on and after January 1, 2003, the Department of Environmental Protection presume that each municipality with a population of 5,000 or more has capacity as provided in the site law's capacity exemption.
4. It requires an underground oil storage facility to be registered with the Department of Environmental Protection at least 10 business days before the facility is installed.
5. It requires owners of underground oil storage tanks, upon registration of the tanks with the Department of Environmental Protection, to provide information on tank location as necessary to determine if the tank meets siting restrictions enacted during the First Regular Session of the 120th Legislature.
6. It requires owners of the underground oil storage tanks to provide a copy of the registration form to the municipality.
7. It eliminates redundant wording in the law governing certification of fire-fighting personnel to remove underground oil storage tanks.
8. It clarifies municipal responsibility for post-closure maintenance of closed landfills.
9. It allows the Commissioner of Environmental Protection to waive the fees on transport of hazardous waste when the fee is too small in relation to the cost of collecting it.
10. It exempts manufacturers of products that contain one or more mercury-added components from the need to notify the Department of Environmental Protection as to the amount of mercury in the components if that information is provided by the component manufacturer.
11. It corrects an error from the First Regular Session of the 120th Legislature in which the authorization for agents of the Department of Inland Fisheries and Wildlife to keep \$1 for each lake and river protection sticker sold was inadvertently omitted from the enacted law. Since those lake and river protection stickers were available for purchase as of January 1, 2002, this law also makes that authorization to keep \$1 per sticker retroactive to that date. The law also exempts motorboats owned by federal, state or local governments from the fee for the lake and river protection stickers.
12. It clarifies that the open burning of wood wastes and painted and unpainted wood from construction and demolition debris is not prohibited and that a burn permit is required for burning wood waste in incinerators smaller than 1,000 gallons and clarifies that an air emission license is not required for incinerators smaller than

Joint Standing Committee on Natural Resources

1,000 gallons that burn only wood waste. This law also clarifies that the prohibition on backyard burning does not apply to packages that previously contained explosives that are being disposed of under the supervision of the State Fire Marshal.

13. It adds a provision prohibiting adding water to a well except by licensed well drillers and licensed bulk water transporters and for aquifer recharges conducted in accordance with existing rules of the Department of Environmental Protection. Exceptions to this prohibition are provided for monitoring wells, wells constructed exclusively for the relief of artesian pressure at hydroelectric projects, wells constructed for temporary dewatering purposes and wells constructed for the purposes of extracting oil, gas or brine.
14. It provides for a reduced period of time for notices of asbestos removal that are delivered to the Department of Environmental Protection in person and allows the department to further reduce the notification period if necessary to protect human health or the environment.

Public Law 2001, chapter 626 was enacted as an emergency measure effective April 5, 2002.

LD 1974

**Resolve, to Study the Design and Funding of a Household
Hazardous Waste and Universal Waste Collection Program**

RESOLVE 93

Sponsor(s)
COWGER
MARTIN

Committee Report
OTP-AM

Amendments Adopted
H-913

LD 1974 was a concept draft pursuant to Joint Rule 208. It proposed to establish a statewide household hazardous waste collection system and provide funding for the operating costs of this system.

Committee Amendment "A" (H-913) replaced the bill with a resolve. It proposed to direct the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2003 on the feasibility and design of a funding mechanism for the operational costs of a statewide household hazardous waste and universal waste collection program. The amendment also proposed to allow the committee to report out legislation establishing and funding such a program to the First Regular Session of the 121st Legislature. It also added a fiscal note to the bill.

Enacted law summary

Resolve 2001, chapter 93 directs the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2003 on the feasibility and design of a funding mechanism for the operational costs of a statewide household hazardous waste and universal waste collection program. It also allows the committee to report out legislation establishing and funding such a program to the First Regular Session of the 121st Legislature.

Joint Standing Committee on Natural Resources

LD 2004

An Act to Phase Out the Availability of Mercury-added Products

PUBLIC 620

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM MAJ	H-925
MARTIN	OTP-AM MIN	H-953 MAYO

LD 2004 proposed to phase out over a 6-year period the sale or distribution of products that contain more mercury than a specified level. Fluorescent lamps containing more than 10 milligrams of mercury are prohibited after January 1, 2010. Products that contain mercury that are necessary to comply with federal or state health or safety requirements could be granted an exemption by the Department of Environmental Protection if the manufacturer proves that: an appropriate method exists for the collection, transportation and processing of the product at the end of its useful life; the use of the product is beneficial to the environment or protection of public health or safety; and no alternative to the mercury-added product exists.

Committee Amendment "A" (H-925) is the majority report of the Joint Standing Committee on Natural Resources. This amendment proposed to replace the bill.

The amendment proposed to ban the sale of mercury-added thermostats after January 1, 2006, except for mercury-added thermostats used for manufacturing or industrial processes. A process is created allowing the Commissioner of Environmental Protection to allow for exemptions to the prohibition for manufacturers who demonstrate the existence of a recycling program for the mercury-added thermostats and that the use of the mercury-added thermostats provides a net benefit to the environment, public health or public safety.

The amendment also proposed to direct the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2003 on the product notification data received by the department by that date under the requirements of existing law. That report must also include recommendations on a comprehensive strategy to reduce the mercury content of products with the goal of maximizing the reduction of mercury emissions to the environment and any legislation necessary to implement those recommendations. The committee is given the authority to report out legislation to the First Regular Session of the 121st Legislature to implement recommendations included in this report.

Committee Amendment "B" (H-926) is the minority report of the Joint Standing Committee on Natural Resources. The amendment proposed to replace the bill, change the title of the bill and make the bill a resolve.

The amendment proposed to direct the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2003 on the product notification data received by the department by that date under the requirements of existing law. That report must also include recommendations on a comprehensive strategy to reduce the mercury content of products with the goal of maximizing the reduction of mercury emissions to the environment and any legislation necessary to implement those recommendations. The joint standing committee is given the authority to report out legislation to the First Regular Session of the 121st Legislature to implement recommendations included in this report. This amendment was not adopted.

House Amendment "A" to Committee Amendment "A" (H-953) proposed to exempt a thermostat used by a blind or visually impaired person from the prohibition on the sale of mercury-added thermostats.

Joint Standing Committee on Natural Resources

Enacted law summary

Public Law 2001, chapter 620, phases out over a 6-year period the sale or distribution of products that contain more mercury than a specified level. Fluorescent lamps containing more than 10 milligrams of mercury are prohibited after January 1, 2010. Products that contain mercury that are necessary to comply with federal or state health or safety requirements could be granted an exemption by the Department of Environmental Protection if the manufacturer proves that: an appropriate method exists for the collection, transportation and processing of the product at the end of its useful life; the use of the product is beneficial to the environment or protection of public health or safety; and no alternative to the mercury-added product exists. The law also bans the sale of mercury-added thermostats after January 1, 2006, except for mercury-added thermostats used for manufacturing or industrial processes and thermostats used by a blind or visually impaired person. A process is created allowing the Commissioner of Environmental Protection to allow for exemptions to the prohibition for manufacturers who demonstrate the existence of a recycling program for the mercury-added thermostats and that the use of the mercury-added thermostats provides a net benefit to the environment, public health or public safety.

The law also directs the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2003 on the product notification data received by the department by that date under the requirements of existing law. That report must also include recommendations on a comprehensive strategy to reduce the mercury content of products with the goal of maximizing the reduction of mercury emissions to the environment and any legislation necessary to implement those recommendations. The committee is given the authority to report out legislation to the First Regular Session of the 121st Legislature to implement recommendations included in this report.

LD 2005

An Act to Ensure the Public Benefits of Solid Waste Facilities

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUMMINGS	ONTP MAJ OTP-AM MIN	

LD 2005 proposed that any new or expanded solid waste disposal facility or any new or expanded solid waste facility that would be used for waste generated outside of the municipality in which the proposed facility was located, or outside of municipalities that had formed a regional association or had entered into an interlocal agreement for the handling of solid waste at the proposed facility, was required to obtain a determination from the State Planning Office that the proposed facility provided a substantial public benefit. The bill also proposed to eliminate the current requirement for such a determination from the Commissioner of Environmental Protection for all solid waste facilities proposed for disposal of solid waste. This bill also proposed to clarify that an application seeking authority to dispose of different solid waste at an existing disposal facility was considered an application for a new or expanded facility.

Committee Amendment "A" (H-900), the minority report, proposed that any new or expanded solid waste disposal facility or any new or expanded solid waste facility that would handle municipal solid waste generated outside of the municipality in which the proposed facility was located, or outside of municipalities that had formed a regional association or had entered into an interlocal agreement for the handling of solid waste at the proposed facility, was required to obtain a determination from the Commissioner of Environmental Protection that the proposed facility provided a substantial public benefit. The amendment also proposed that an application that sought authority to handle an increase in the amount of municipal solid waste at an existing solid waste facility and

Joint Standing Committee on Natural Resources

an application that sought authority for a facility to accept municipal solid waste if the facility was not currently allowed to accept municipal solid waste would obtain a determination of public benefit. The amendment also proposed that the department should employ a rebuttable presumption of public benefit for certain solid waste facilities.

This amendment also proposed to add a fiscal note to the bill. This amendment was not adopted.

LD 2014 An Act to Stabilize Funding for the Air Quality Program within the ONTP Department of Environmental Protection

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER MARTIN	ONTP	

LD 2014 proposed to increase revenue to the air quality program within the Department of Environmental Protection to compensate for lost fees associated with emission reductions and facility closures and to offset increases in the costs incurred to administer the air quality program. Funds would be used to maintain existing levels of operation and service within the air quality program including ongoing maintenance of the ambient air quality monitoring network.

It also proposed to provide funds for an Environmental Specialist III limited-period position for the development of a greenhouse gas registry.

LD 2016 An Act to Facilitate Compliance with Spill Prevention Requirements PUBLIC 605 and Authorize Reimbursement for Certain Oil Spill Remediation Expenses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRABTREE YOUNGBLOOD	OTP-AM MAJ ONTP MIN	H-945

LD 2016 proposed to eliminate avoidable and inappropriate disbursements from the state Ground Water Oil Clean-up Fund by:

1. Improving compliance with state and federal regulatory requirements that reduce the risk of spills from aboveground oil storage tanks; and
2. Authorizing reimbursement to the Ground Water Oil Clean-up Fund of spill clean-up costs that are covered by private insurance required under the federal Motor Carrier Act.

Under this bill, owners of aboveground oil storage facilities are required to certify, on the annual chemical inventory reporting form submitted to the Maine Emergency Response Commission, that underground piping at the facility meets existing state regulatory requirements and that the facility meets existing federal regulatory requirements for preparation and maintenance of a spill prevention control and countermeasure plan. The latter requirements are incorporated into state law so that they can be enforced by the Department of Environmental Protection. It also

Joint Standing Committee on Natural Resources

requires the Department of Environmental Protection to consult with the United States Environmental Protection Agency when requiring the owner or operator of an aboveground oil storage facility to amend its spill prevention control and countermeasure plan if the owner or operator believes that the amendment is not required by federal law.

Committee Amendment "A" (H-945) proposed to eliminate provisions in the bill pertaining to changes to the chemical inventory reporting form submitted annually to the Maine Emergency Response Commission and amends the bill to limit the Department of Environmental Protection's authority to enforce federal oil spill prevention, or "SPCC," requirements to gas stations and bulk plants operated by oil distributors. The amendment sunsets the provisions relating to the Department of Environmental Protection's ability to enforce federal SPCC requirements on October 1, 2005.

The amendment also proposed to remove provisions in the bill proposing changes to the Ground Water Oil Clean-up Fund and increases the personal services cap on that fund from \$2,250,000 per year to \$2,900,000.

The amendment also proposed to require the Commissioner of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2005 on the Department of Environmental Protection's enforcement of federal SPCC requirements required in the Maine Revised Statutes, Title 38, section 570-K, subsection 5. That report is to include the number of facilities inspected under that subsection; the number of spill prevention and control and countermeasure plans reviewed by the department under that subsection; the number, nature and result of any written communications submitted to the United States Environmental Protection Agency pursuant to that subsection; the number and result of all enforcement actions taken by the department for violations of that subsection; and an overview of the educational and technical assistance efforts undertaken by the department under that subsection. That report must also include a qualitative assessment of the department's effectiveness in implementing that subsection, including an assessment by the regulated community on the department's performance under that subsection.

The amendment also proposed to allow the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation to the First Regular Session of the 122nd Legislature on any matter pertaining to the State's enforcement of federal SPCC requirements.

The amendment also proposed to add an appropriations and allocations section to the bill.

Enacted law summary

Public Law 2001, chapter 605, grants the Department of Environmental Protection the authority to enforce federal oil spill prevention, or "SPCC," requirements for gas stations and bulk plants operated by oil distributors. The law sunsets the provisions relating to the Department of Environmental Protection's ability to enforce federal SPCC requirements on October 1, 2005 and increases the personal services cap on that fund from \$2,250,000 per year to \$2,900,000.

The law also requires the Commissioner of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2005 on the Department of Environmental Protection's enforcement of federal SPCC requirements required in the Maine Revised Statutes, Title 38, section 570-K, subsection 5. That report is to include the number of facilities inspected under that subsection; the number of spill prevention and control and countermeasure plans reviewed by the department under that subsection; the number, nature and result of any written communications submitted to the United States Environmental Protection Agency pursuant to that subsection; the number and result of all enforcement actions

Joint Standing Committee on Natural Resources

taken by the department for violations of that subsection; and an overview of the educational and technical assistance efforts undertaken by the department under that subsection. That report must also include a qualitative assessment of the department's effectiveness in implementing that subsection, including an assessment by the regulated community on the department's performance under that subsection.

The law also allows the joint standing committee of the Legislature having jurisdiction over natural resources matters to report out legislation to the First Regular Session of the 122nd Legislature on any matter pertaining to the State's enforcement of federal SPCC requirements.

LD 2037

**An Act to Repeal the Retroactive Effect of Changes Made to the
Subdivision Laws**

**PUBLIC 523
EMERGENCY**

Sponsor(s)
SNOWE-MELLO
SAWYER

Committee Report
OTP-AM

Amendments Adopted
H-835

LD 2037 proposed to repeal the retroactivity clause that was contained in Public Law 2001, chapter 359 and to make that change effective on the general effective date for nonemergency legislation enacted during the First Regular Session of the 120th Legislature, September 21, 2001. During the First Regular Session of the 120th Legislature, "An Act to Implement the Recommendations of the Task Force to Study Growth Management" was enacted and signed into law as Public Law 2001, chapter 359. The law contained a retroactive application clause, which made the law effective June 1, 2001.

Committee Amendment "A" (H-835) proposed to make only section 4 of Public Law 2001, chapter 359 retroactive to June 1, 2001. All other sections of Public Law 2001, chapter 359 were effective on September 21, 2001, the general effective date for nonemergency legislation.

Enacted law summary

Public Law 2001, chapter 523 provides that only section 4 of Public Law 2001, chapter 359 was retroactive to June 1, 2001. All other sections of Public Law 2001, chapter 359 were effective on September 21, 2001, the general effective date for nonemergency legislation. During the First Regular Session of the 120th Legislature, "An Act to Implement the Recommendations of the Task Force to Study Growth Management" was enacted and signed into law as Public Law 2001, chapter 359. Public Law 2001, chapter 359, section 8 contained a retroactive application clause that made the entire law effective June 1, 2001.

Public Law 2001, chapter 523 was enacted as an emergency measure effective March 12, 2002.

LD 2049

An Act to Authorize the Transfer of Development Rights

PUBLIC 592

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-912

LD 2049 was a recommendation of the Joint Study Committee to Study Growth Management. It proposed to authorize municipalities to establish policies and ordinances relating to the transfer of development rights.

Joint Standing Committee on Natural Resources

Committee Amendment "A" (H-912) proposed that a single municipality may enact a transfer of development rights program for the transfer of development rights within the municipality's boundaries. Two or more municipalities may only provide for the transfer of development rights between municipalities if the municipalities have entered into an interlocal agreement.

Enacted law summary

Public Law 2001, chapter 592 provides that a single municipality may enact a transfer of development rights program for the transfer of development rights within the municipality's boundaries. Two or more municipalities may only provide for the transfer of development rights between municipalities if the municipalities have entered into an interlocal agreement. (See Public Law 2001, chapter 667, Part H, which corrected a conflict between chapter 592 and chapter 578.)

LD 2059 **An Act Regarding Site Selection Criteria for Parking for State Facilities** **PUBLIC 593**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-916

LD 2059 was a recommendation of the Joint Study Committee to Study Growth Management. It proposed to clarify that site selection criteria for state facilities may require on-site parking only if it is necessary to meet critical program needs and to ensure reasonable access for agency clients and persons with disabilities. It also clarified that employee parking that is within reasonable walking distance may be located off site.

Committee Amendment "A" (H-916) proposed to require the Department of Administrative and Financial Services to consult with the authorized bargaining agent of the employees if there is a change in employee parking at a state facility from on-site parking to off-site parking. The amendment also added a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 593 clarifies that site selection criteria for state facilities may require on-site parking only if it is necessary to meet critical program needs and to ensure reasonable access for agency clients and persons with disabilities. It also clarifies that employee parking that is within reasonable walking distance may be located off site. Finally, it requires the Department of Administrative and Financial Services to consult with the authorized bargaining agent of the employees if there is a change in employee parking at a state facility from on-site parking to off-site parking.

LD 2061 **An Act to Provide Incentives for Multimunicipal Development** **PUBLIC 621**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-944
	ONTP MIN	

Joint Standing Committee on Natural Resources

LD 2061 proposed to implement a recommendation of the Joint Study Committee to Study Growth Management. It proposed to direct the Land and Water Resources Council to set up a pilot project program to provide incentives for towns to work together on development issues by giving them the opportunity to share costs and benefits of development. Under the bill, towns that were certified by the council as meeting the requirements of the pilot project program would have been eligible to receive priority in state transportation funding, growth management funding, Municipal Investment Trust Fund grants and community development block grants.

Committee Amendment "A" (H-944) changed the title of the bill. It proposed to amend the priorities for preferences for loans and grants from the Municipal Investment Trust Fund. It added to the highest priority for these funds projects undertaken by 2 or more municipalities.

Enacted law summary

Public Law 2001, chapter 621 amends the priorities for preferences for loans and grants from the Municipal Investment Trust Fund. It adds to the highest priority for these funds projects undertaken by 2 or more municipalities.

LD 2062

An Act to Clarify the Use of Municipal Rate of Growth Ordinances

PUBLIC 591

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-918

LD 2062 was a recommendation of the Joint Study Committee to Study Growth Management. It proposed to outline the parameters within which a municipality may adopt a rate of growth ordinance. Under the proposed bill, temporary rate of growth ordinances may be enacted only to slow development while a community works toward solving the problems necessitating the rate of growth ordinance. A permanent rate of growth ordinance may be enacted inside a designated growth area only if the ordinance requires that the number of permits issued annually under the rate of growth ordinance be determined according to a formula specified in rules adopted by the State Planning Office. A permanent rate of growth ordinance may be enacted inside a designated rural area only if the ordinance is recommended in the municipality's comprehensive plan as a mechanism for guiding growth and the comprehensive plan lays out policies and strategies for accommodating most of the community's future growth in designated growth areas.

Committee Amendment "A" (H-918) replaced the bill. It proposed to require any municipality that enacts a rate of growth ordinance to review that ordinance at least every 3 years.

Enacted law summary

Public Law 2001, chapter 591 requires any municipality that enacts a rate of growth ordinance to review that ordinance at least every 3 years.

Joint Standing Committee on Natural Resources

LD 2069

An Act to Require Additional Transportation Information on the Maine Chemical Inventory Reporting Form

PUBLIC 533

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-836

LD 2069 is the recommendation of the Commission to Study the Implementation of a Unified Emergency Response for Emergency Releases and Spills of Toxic or Hazardous Materials. It proposed to require that a person required to submit a Maine chemical inventory reporting form that includes information regarding a description of the manner in which chemicals are shipped to a facility must also include standard and alternate transportation routes taken through Maine.

Committee Amendment "A" (H-836) proposed to add provisions to the bill stating that records held by the State Emergency Response Commission regarding standard and alternate transportation routes are confidential and therefore exempt from the public disclosure provisions of the freedom of access laws under the Maine Revised Statutes, Title 1, chapter 13, subchapter I. The amendment proposed to allow the State Emergency Response Commission to provide those records to state, county or local emergency management agencies or officials, but requires those agencies or officials to hold those records as confidential.

Enacted law summary

Public Law 2001, chapter 533, requires that a person required to submit a Maine chemical inventory reporting form that includes information regarding a description of the manner in which chemicals are shipped to a facility must also include standard and alternate transportation routes taken through Maine. The law also requires that records held by the State Emergency Response Commission regarding standard and alternate transportation routes are confidential and therefore exempt from the public disclosure provisions of the freedom of access laws under the Maine Revised Statutes, Title 1, chapter 13, subchapter I. The law also allows the State Emergency Response Commission to provide those records to state, county or local emergency management agencies or officials, but requires those agencies or officials to hold those records as confidential.

LD 2070

An Act to Establish the Community Preservation Advisory Committee

PUBLIC 648

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-950
	ONTP MIN	S-542 GOLDTHWAIT

LD 2070 proposed to implement a recommendation of the Joint Study Committee to Study Growth Management. It established the Community Preservation Advisory Committee as an ongoing entity to advise the Governor, the Legislature and the State Planning Office on matters relating to community preservation. The committee membership included the Director of the State Planning Office, Legislators and public members. It also proposed that staff assistance would be provided by the State Planning Office and the Legislative Council at the request of the chairs of the committee.

Committee Amendment "A" (H-950) proposed to decrease from 3 to 2 the number of Senate members of the Community Preservation Advisory Committee and add as a member the Director of the Maine Historic Preservation

Joint Standing Committee on Natural Resources

Commission. It also clarified one of the duties of the committee by providing that the committee shall review and make recommendations regarding options for establishing a state transferable development rights bank. It also directed the Maine State Housing Authority to provide compensation, with existing budgeted resources, for public members of the committee not otherwise reimbursed for their service on the committee.

Senate Amendment "A" to Committee Amendment "A" (S-542) was prepared pursuant to action taken by the Legislative Council on March 26, 2002. The amendment proposed to make changes to the Community Preservation Advisory Committee enabling statute to conform to the study commission guidelines. It limited the committee to 4 meetings a year, amended the staff assistance provision, changed the submission of the annual report and removed the General Fund appropriation.

Enacted law summary

Public Law 2001, chapter 648 establishes the Community Preservation Advisory Committee as an ongoing entity to advise the Governor, the Legislature and the State Planning Office on matters relating to community preservation. The committee membership includes the Director of the State Planning Office, Legislators, the Director of the Maine Historic Preservation Commission and public members. Staff is provided by the State Planning Office and the Legislative Council may provide drafting assistance with recommended legislation.

The Maine State Housing Authority is directed to provide compensation, with existing budgeted resources, for public members of the committee who are not otherwise reimbursed for their service on the committee.

LD 2071

An Act to Amend the Law Relating to Growth-related Capital Investments

PUBLIC 613

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 2071 proposed to implement a recommendation of the Joint Study Committee to Study Growth Management. It was intended to ensure that hospitals and other quasi-public facilities that use state or passed-through federal dollars are treated like other public entities regarding growth-related capital investments.

Enacted law summary

Public Law 2001, chapter 613 implements a recommendation of the Joint Study Committee to Study Growth Management. It is intended to ensure that hospitals and other quasi-public facilities that use state or passed-through federal dollars are treated like other public entities regarding growth-related capital investments.

Joint Standing Committee on Natural Resources

LD 2076

Resolve, Regarding Legislative Review of Amendments to Chapter 305, Permit by Rule Standard and Chapter 310, Wetland Protection Regarding Cutting and Removal of Vegetation, Major Substantive Rules of the Department of Environmental Protection

RESOLVE 97

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-920

LD 2076 proposed to provide for legislative review of amendments to Chapter 305, Permit by Rule Standard and Chapter 310, Wetland Protection Regarding Cutting and Removal of Vegetation, major substantive rules of the Department of Environmental Protection.

Committee Amendment "A" (H-920) proposed to replace the resolve and remove the emergency provisions of the resolve. The amendment proposed to require the Board of Environmental Protection to amend its provisionally adopted major substantive rules regarding the cutting and removal of vegetation adjacent to protected natural resources to remove unnecessary language. The amendment also proposed to direct the Department of Environmental Protection and the Maine Land Use Regulation Commission to evaluate the point system used by those agencies to define what constitutes a well-distributed stand of trees within a vegetative buffer between development and a regulated water body and to jointly report the results of that evaluation to the Joint Standing Committee of the Legislature having jurisdiction over protected natural resources no later than January 15, 2003. It also adds a fiscal note to the resolve.

Enacted law summary

Resolve 2001, chapter 97 requires the Board of Environmental Protection to amend its provisionally adopted major substantive rules regarding the cutting and removal of vegetation adjacent to protected natural resources to remove unnecessary language. The law also directs the Department of Environmental Protection and the Maine Land Use Regulation Commission to evaluate the point system used by those agencies to define what constitutes a well-distributed stand of trees within a vegetative buffer between development and a regulated water body and to jointly report the results of that evaluation to the Joint Standing Committee of the Legislature having jurisdiction over protected natural resources no later than January 15, 2003.

LD 2084

An Act Regarding Workers' Compensation and Liability Immunity Coverage for Emergency Management Forces

PUBLIC 614

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 2084 was the recommendation of the Commission to Study the Implementation of a Unified Emergency Response for Emergency Releases and Spills of Toxic or Hazardous Materials. It proposed to clarify who may call out and be called out to assist with emergency management activities. It also proposed to clarify who, while assisting with emergency management activities, may be deemed to be an employee of the State for purposes of immunity from liability and for purposes of workers' compensation coverage. The bill also changed the term "civil emergency preparedness" to "emergency management."

Joint Standing Committee on Natural Resources

Enacted law summary

Public Law 2001, chapter 614 is the recommendation of the Commission to Study the Implementation of a Unified Emergency Response for Emergency Releases and Spills of Toxic or Hazardous Materials. It clarifies who may call out and be called out to assist with emergency management activities. It also clarifies who, while assisting with emergency management activities, may be deemed to be an employee of the State for purposes of immunity from liability and for purposes of workers' compensation coverage. It also changes the term "civil emergency preparedness" to "emergency management."

Joint Standing Committee on Natural Resources

LD 2094

An Act to Encourage Regionalism in Municipal Growth Management

PUBLIC 578

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-951
	ONTP MIN	

LD 2094 proposed to implement a recommendation of the Joint Study Committee to Study Growth Management. It proposed to amend the comprehensive planning and land use regulation laws to add and amend definitions, particularly those related to growth, rural and transitional areas. It also proposed to reinforce regional and municipal roles in growth management and more clearly enable multimunicipal planning efforts.

Committee Amendment "A" (H-951) proposed to remove the definition of "planning district" from the bill and replace that term throughout the bill with the words "municipality or multimunicipal region."

Enacted law summary

Public Law 2001, chapter 578 implements a recommendation of the Joint Study Committee to Study Growth Management. It amends the comprehensive planning and land use regulation laws to add and amend definitions, particularly those related to growth, rural and transitional areas. It reinforces regional and municipal roles in growth management and more clearly enables multimunicipal planning efforts. (See Public Law 2001, chapter 667, Part H, which corrected a conflict between chapter 578 and chapter 592.)

LD 2095

Resolve, Regarding Legislative Review of Portions of Chapter 10, Section 17(A)(2), (3) and (6), Standards for the Clearing of Vegetation for Development, Major Substantive Rules of the Maine Land Use Regulation Commission within the Department of Conservation

**RESOLVE 98
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-919

LD 2095 proposed to provide for legislative review of portions of Chapter 10, Section 17(A)(2), (3) and (6), Standards for the Clearing of Vegetation for Development, a major substantive rule of the Maine Land Use Regulation Commission within the Department of Conservation.

Committee Amendment "A" (H-919) proposed to require the Maine Land Use Regulation Commission to amend its rules to make the minimum setbacks between mineral extraction activities and regulated water bodies within the jurisdiction of the Maine Land Use Regulation Commission the same as those established in laws and rules administered by the Department of Environmental Protection.

Enacted law summary

Resolve 2001, chapter 98 requires the Maine Land Use Regulation Commission to amend its rules to make the minimum setbacks between mineral extraction activities and regulated water bodies within the jurisdiction of the

Joint Standing Committee on Natural Resources

Maine Land Use Regulation Commission the same as those established in laws and rules administered by the Department of Environmental Protection.

Resolve 2001, chapter 98 was finally passed as an emergency measure effective April 3, 2002.

LD 2099

An Act to Revise the Definition of Affordable Housing

PUBLIC 673

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1075

LD 2099 proposed to implement a recommendation of the Joint Study Committee to Study Growth Management. It proposed to establish the State Affordable Neighborhood Development Review Board within the Maine State Housing Authority and establish standards for affordable neighborhood developments. It also amended the definition of affordable housing in the growth management laws.

Committee Amendment "A" (H-939) proposed to replace the bill. It proposed to establish the State Affordable Neighborhood Development Review Board within the Maine State Housing Authority and establish standards for affordable neighborhood development. The regulation of affordable neighborhood developments would have applied in municipalities that are part of a labor market area in which a median income household can not afford to purchase a median-priced home. This amendment was not adopted.

Committee Amendment "B" (H-1075) proposed to strike those portions of the bill that establish the State Affordable Neighborhood Development Review Board and that establish standards for affordable neighborhood developments. This amendment proposed to retain that portion of the bill that amends the definition of affordable housing in the growth management laws.

Enacted law summary

Public Law 2001, chapter 673 amends the definition of affordable housing in the growth management laws.

LD 2116

An Act to Establish the Maine Library of Geographic Information

PUBLIC 649

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-952
	ONTP MIN	S-552 GOLDTHWAIT

LD 2116 proposed to create the Maine Public Library of Geographic Information.

Committee Amendment "A" (H-952) proposed to require the Maine Public Library of Geographic Information Board to function in accordance with the Maine Administrative Procedure Act. It added as a purpose or duty of the board to develop appropriate internal services to facilitate access for and use of data by government agencies and the public. It provided that the library may not compete directly with private enterprise. It also replaced one member of the board who is responsible for overseeing GIS functions of a state department with the President of the Maine Science and Technology Foundation. The amendment also added a fiscal note to the bill.

Joint Standing Committee on Natural Resources

Senate Amendment "A " (S-552) proposed to change the name of the Maine Public Library of Geographic Information to "Maine Library of Geographic Information" and proposed to change the name of the Maine Public Library of Geographic Information Board to "Maine Library of Geographic Information Board."

Enacted law summary

Public Law 2001, chapter 649 creates the Maine Library of Geographic Information and the Maine Library of Geographic Information Board.

LD 2117	Resolve, Regarding Legislative Review of Chapter 691, Section 3-A, Siting Restrictions for New Facilities, a Major Substantive Rule of the Bureau of Remediation and Waste Management within the Department of Environmental Protection	RESOLVE 99 EMERGENCY
----------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-917
-------------------	-----------------------------------	------------------------------------

LD 2117 proposed to provide for legislative review of Chapter 691, Section 3-A, Siting Restrictions for New Facilities, a major substantive rule of the Bureau of Remediation and Waste Management within the Department of Environmental Protection.

Committee Amendment "A" (H-917) proposed to require that the rule be amended to state that the siting restrictions for new underground oil storage facilities contained in Section 3-A of the rules do not apply to new underground oil storage facilities that are registered and installed prior to August 1, 2002. The amendment also proposed to specify that no additional hearings or other formal proceedings are required on this rule prior to the Board of Environmental Protection within the Department of Environmental Protection finally adopting the rule in accordance with this resolve.

Enacted law summary

Resolve 2001, chapter 99 requires that the rule be amended to state that the siting restrictions for new underground oil storage facilities contained in Section 3-A of the rules do not apply to new underground oil storage facilities that are registered and installed prior to August 1, 2002. The law also specifies that no additional hearings or other formal proceedings are required on this rule prior to the Board of Environmental Protection within the Department of Environmental Protection finally adopting the rule in accordance with this resolve.

Resolve 2001, chapter 99 was enacted as an emergency measure effective April 3, 2002.

Joint Standing Committee on Natural Resources

LD 2119

An Act Relating to Subdivision Review and Title Search Procedures

PUBLIC 651

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	S-472
	OTP-AM MIN	S-487 MARTIN

LD 2119 proposed to place limits on the ability of municipalities to modify the definition of "subdivision." It also would have required that all subdivision plats or plans include a notation that indicates the definition of "subdivision" in effect in the municipality at the time the subdivision is created.

Committee Amendment "A" (S-472) was the majority report of the committee. It proposed that a municipality may not enact an ordinance that expands the definition of "subdivision" except as provided in state law. It also proposed that if, at the time the Act takes effect, a municipality has a definition of "subdivision" that conflicts with the statutory definition of "subdivision," that municipality must file its conflicting definition of "subdivision" at the registry of deeds by June 30, 2003 and must comply with the requirements of the statutory definition by January 1, 2006. The amendment also removed the 40-acre lot exemption to the definition of "subdivision," except that a municipality may affirmatively elect not to count 40-acre lots as lots for purposes of subdivision review.

Committee Amendment "B" (S-473) was the minority report of the committee. It proposed to require a municipality that adopts a definition of "subdivision" that is different from state law to file the local definition and any amendment to the local definition at the registry of deeds. It also removed the 40-acre lot exemption to the definition of "subdivision," except that a municipality may affirmatively elect not to count 40-acre lots as lots for purposes of subdivision review. This amendment was not adopted.

House Amendment "A" to Committee Amendment "A" (H-956) proposed to specify that a municipality's modification of the definition of subdivision must be collected and indexed in a separate book at the appropriate registry of deeds. The amendment also corrected a history line. This amendment was not adopted.

House Amendment "A" to Committee Amendment "B" (H-957) proposed to specify that a municipality's modification of the definition of subdivision must be collected and indexed in a separate book at the appropriate registry of deeds. The amendment also corrected a history line. This amendment was not adopted.

Senate Amendment "A" to Committee Amendment "A" (S-487) proposed to specify that a municipality's modification of the definition of subdivision must be collected and indexed in a separate book at the appropriate registry of deeds. The amendment also corrected a history line.

Senate Amendment "B" to Committee Amendment "A" (S-533) proposed to add a mandate preamble. This amendment was not adopted.

Enacted law summary

Public Law 2001, chapter 651 places limits on the ability of municipalities to modify the definition of "subdivision". It provides that a municipality may not enact an ordinance that expands the definition of "subdivision" except as provided in state law. If, at the time this Act takes effect, a municipality has a definition of "subdivision" that conflicts with the statutory definition of "subdivision," that municipality must file its conflicting definition of "subdivision" at the registry of deeds by June 30, 2003 and must comply with the requirements of the

Joint Standing Committee on Natural Resources

statutory definition by January 1, 2006. A definition filed at the registry of deeds must be collected and indexed in a separate book in the registry of deeds. Chapter 651 also removes the 40-acre lot exemption to the definition of "subdivision," except that a municipality may affirmatively elect not to count 40-acre lots as lots for purposes of subdivision review.

LD 2140 **Resolve, Regarding Legislative Review of Chapter 296: Patient Brochure and Poster on Dental Amalgam and Alternatives, a Major Substantive Rule of the Department of Human Services** **RESOLVE 125**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1046 S-628 MARTIN

LD 2140 provides for legislative review of Chapter 296: Patient Brochure and Poster on Dental Amalgam and Alternatives, a major substantive rule of the Department of Human Services.

Committee Amendment "A" (H-1046) proposed to authorize the adoption of a major substantive rule proposed by the Bureau of Health regarding a brochure and poster on dental amalgam and alternatives, provided that certain changes are made to the poster and the rule.

The changes to the poster clarify that the law requires dentists to provide the brochure to their patients. The changes to the rule clarify the text of the brochure to incorporate recommendations made by the Bureau of Health.

The amendment also proposed to clarify that the Board of Dental Examiners is to print and distribute the brochure and poster and directs the State Treasurer to transfer \$50,000 from the Maine Rainy Day Fund to the board to fund the initial printing and distribution of the brochure and poster. The Board of Dental Examiners is required, using fees charged for the poster and brochure, to repay the Maine Rainy Day Fund for all costs associated with the transfer within 2 years.

The amendment also proposed to allow the Director of the Bureau of Health to make changes to the poster or brochure for the purpose of inserting or changing graphics or for improving readability and comprehensibility without requiring that those changes be reviewed by the Legislature as revisions to a major substantive rule.

House Amendment "A" to Committee Amendment "A" (H-1099) proposed to change the funding source for the brochure and poster from the Maine Rainy Day Fund to the Fund for a Healthy Maine.

House Amendment "B" to Committee Amendment "A" (H-1103) proposed to change the funding source for the brochure and poster from the Maine Rainy Day Fund to the Fund for a Healthy Maine. The amendment also removes the emergency preamble and emergency clause.

Senate Amendment "A" to Committee Amendment "A" (S-582) proposed to remove the emergency preamble and emergency clause from the resolve and changes the funding source.

Senate Amendment "B" to Committee Amendment "A" (S-608) proposed to remove the emergency preamble and emergency clause.

Joint Standing Committee on Natural Resources

Senate Amendment "C" to Committee Amendment "A" (S-610) proposed to provide that final adoption of Chapter 296: Patient Brochure and Poster on Dental Amalgam and Alternatives, a provisionally adopted major substantive rule of the Department of Human Services, is not authorized.

Senate Amendment "D" to Committee Amendment "A" (S-627) proposed to modify the requirements for printing and distribution of the brochure and poster. It requires that the Bureau of Health within the Department of Human Services distribute a copy of the brochure and poster to each dentist in the State and requires the bureau to make a copy of the brochure suitable for downloading and printing available on its publicly accessible site on the Internet.

Senate Amendment "E" to Committee Amendment "A" (S-628) proposed to incorporate the substance of Senate Amendment "D" to Committee Amendment "A" (S-627), and in addition, it remove the emergency preamble and emergency clause.

Enacted law summary

Resolve 2001, chapter 125 authorizes the adoption of Chapter 296, a major substantive rule proposed by the Bureau of Health regarding a brochure and poster on dental amalgam and alternatives, provided that certain changes are made to the poster and the rule. The Resolve requires the Bureau of Health to print and distribute a copy of the brochure and poster to each dentist in the state and it requires the bureau to make a copy of the brochure suitable for downloading and printing available on its publicly accessible site on the Internet.

LD 2145

An Act to Include all State-supported Institutions of Higher Education in the Clean Government Initiative

PUBLIC 695

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAKER TREAT	OTP-AM	H-1047

LD 2145 proposed to expand the Clean Government Initiative to apply to the University of Maine System, the Maine Maritime Academy and the Maine Technical College System. Under current law, the Clean Government Initiative assists state agencies in meeting applicable environmental compliance requirements and incorporating environmentally sustainable practices into state government functions.

Committee Amendment "A" (H-1047) proposed to add the Chancellor of the University of Maine System and the President of the Maine Technical College System to the directors of the Clean Government Initiative and provides for a schedule of reporting on the progress of the state-supported institutions of higher learning towards complying with the goals of the initiative. It also proposed to require the state-supported institutions of higher learning to utilize existing budgeted resources to meet the requirements of the initiative, except that the University of Maine System is not expected to expend more than \$300,000 of its existing budgeted resources to meet the provisions regarding auditing for compliance with state and federal environmental laws. Additional funds needed to comply with those audit provisions, in excess of the first \$300,000 of existing budgeted resources, must be requested by the Chancellor of the University of Maine System in the biennial report of the directors of the initiative.

Enacted law summary

Joint Standing Committee on Natural Resources

Public Law 2001, chapter 695 expands the Clean Government Initiative to apply to the University of Maine System, the Maine Maritime Academy and the Maine Technical College System. Under current law, the Clean Government Initiative assists state agencies in meeting applicable environmental compliance requirements and incorporating environmentally sustainable practices into state government functions. The law also requires the state-supported institutions of higher learning to utilize existing budgeted resources to meet the requirements of the initiative, except that the University of Maine System is not expected to expend more than \$300,000 of its existing budgeted resources to meet the provisions regarding auditing for compliance with state and federal environmental laws. Additional funds needed to comply with those audit provisions, in excess of the first \$300,000 of existing budgeted resources, must be requested by the Chancellor of the University of Maine System in the biennial report of the directors of the initiative.

LD 2155

An Act Pertaining to Environmental Fines

ONTP

Sponsor(s)

Committee Report
ONTP

Amendments Adopted

LD 2155 proposed to repeal all provisions in Maine law that explicitly required or allowed penalties from various environmental violations to be dedicated to specific funds. Specifically, the bill proposed to:

1. Repeal the provisions that required environmental penalties to be deposited into the Maine Coast Environmental Trust Fund;
2. Repeal the provisions that required air pollution penalties to be deposited into the Clean Fuel Vehicle Fund;
3. Repeal the provisions that required penalties from oil discharge violations to be deposited into the Maine Coastal and Inland Surface Oil Clean-up Fund or the Ground Water Oil Clean-up Fund and specified that such penalties would go to the General Fund; and
4. Repeal, on July 1, 2003, the provisions that required penalties from hazardous waste violations to be deposited into the Maine Hazardous Waste Fund and specified that such penalties would go to the General Fund.

LD 2176

An Act to Ensure Consistent Regulation of Air Emissions in the State

ONTP

Sponsor(s)
DAIGLE
PENDLETON

Committee Report
ONTP

Amendments Adopted

LD 2176 proposed to ensure that the State maintained a consistent, coordinated, statewide program for the regulation of air emissions sources. The bill also proposed to provide the Board of Environmental Protection with the authority to establish appropriate license conditions to address unique local conditions identified by municipalities.

Joint Standing Committee on Natural Resources

LD 2179

An Act Regarding the Clearing of Vegetation in Areas Adjacent to Protected Natural Resources

**PUBLIC 618
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	S-485 MARTIN

LD 2179 is the unanimous report of the Joint Standing Committee on Natural Resources and is reported pursuant to Resolve 1999, chapter 116. It proposed to make changes to the natural resources protection laws administered by the Department of Environmental Protection to provide the necessary statutory basis for major substantive rules to be adopted by the department that regulate the cutting and removal of vegetation, other than timber harvesting activities, in areas adjacent to protected natural resources. This bill is an emergency to ensure that the statutory changes take effect prior to the effective date of the major substantive rules approved earlier this session.

Senate Amendment "A" (S-485) proposed to delete the proposed forestry exemption that references "rules containing statewide standards for timber harvesting in shoreland areas administered by the Department of Conservation, Marine Forest Service" since those rules were not approved by the Legislature. The amendment also proposed to reinstate the current forestry exemption and broadens it to apply to activities adjacent to any protected natural resource except for significant wildlife habitat so that cutting of vegetation in those areas will not be regulated under this law. Forest management activities that qualify for this exemption will still be required to meet permit-by-rule standards for stream crossing and soil disturbance adjacent to a great pond, river, stream or brook.

Enacted law summary

Public Law 2001, chapter 618, changes the natural resources protection laws administered by the Department of Environmental Protection to provide the necessary statutory basis for major substantive rules to be adopted by the department that regulate the cutting and removal of vegetation, other than timber harvesting activities, in areas adjacent to protected natural resources.

Public Law 2001, chapter 618 was enacted as an emergency measure effective April 3, 2002.

LD 2186

Resolve, to Establish the Task Force to Study the Effectiveness of Stormwater Management in Developed Watersheds

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAKER TREAT	OTP-AM	H-1034

LD 2186 proposed to establish the Task Force to Study the Effectiveness of Stormwater Management in Developed Watersheds.

Committee Amendment "A" (H-1034) proposed to reduce the number of members on the Task Force to Study the Effectiveness of Stormwater Management in Developed Watersheds and removed the emergency preamble and emergency clause. It also added an appropriations and allocations section and a fiscal note.

Joint Standing Committee on Natural Resources

House Amendment "A" to Committee Amendment "A" (H-1074) proposed to remove the requirement that one of the members appointed by the Speaker of the House be a member of the political party that did not hold a majority of the seats in the House of Representatives.

LD 2208 An Act Allowing for a Public Hearing Process for Certain Actions ONTP
Relating to Dams

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	ONTP MAJ	
	OTP MIN	

LD 2208 proposed to amend existing authority of the Commissioner of Environmental Protection to hold water level hearings and establish water levels by extending that authority to approximately 2 dozen dams in the State that were operating with a Federal Energy Regulatory Commission exemption. The bill also proposed to require the Commissioner of Environmental Protection to hold a public hearing when a dam was proposed to be abandoned or removed.

Joint Standing Committee on Natural Resources

LD 1478.....	373
LD 1488.....	373
LD 1643.....	375
LD 1849.....	375
LD 1887.....	376
LD 1897.....	376
LD 1898.....	377
LD 1921.....	377
LD 1936.....	379
LD 1944.....	380
LD 1962.....	381
LD 1964.....	382
LD 1974.....	385
LD 2004.....	386
LD 2005.....	387
LD 2014.....	388
LD 2016.....	388
LD 2037.....	390
LD 2049.....	390
LD 2059.....	391
LD 2061.....	391
LD 2062.....	392
LD 2069.....	392
LD 2070.....	393
LD 2071.....	394
LD 2076.....	394
LD 2084.....	395
LD 2094.....	396
LD 2095.....	396
LD 2099.....	397
LD 2116.....	397
LD 2117.....	398
LD 2119.....	399
LD 2140.....	400
LD 2145.....	401
LD 2155.....	402
LD 2176.....	402
LD 2179.....	403
LD 2186.....	403
LD 2208.....	404